



APPROVED

KITTERY PORT AUTHORITY

January 3, 2013 Meeting Minutes
Council Chambers, Town Hall

Members Present: Bob Melanson, Chairman, Barry Bush, Tom Smith, Ray Grenier, Kelly Philbrook, Dan Arbo

Members Absent: John Carson

Staff: Harbormaster Mike Blake

The meeting of January 3, 2013 was called to order at 6:01 p.m.

1. Pledge of Allegiance
2. Continue Meeting and Convene Workshop
Mr. Smith moved to convene a workshop regarding budget planning for FY 2014
Mr. Grenier seconded
Motion carries unanimously by all members present

Mr. Melanson asked what the members wished to do regarding the absence of a treasurer for the Authority. Ms. Philbrook noted former Harbormaster Pike would report on expenditures he approved, in addition to the monthly report received from the Town finance department. Mr. Blake stated the reports recently received appear to be accurate. Authority members felt they could comfortably proceed with the process currently in place where the Harbormaster reviews and reports on expenses against the Town reports. Mr. Smith asked to receive copies of invoices received for the Frisbee pier engineering, and Mr. Melanson agreed to forward same.

Mr. Smith noted he still has a problem with the exorbitant cost of the dumpsters. He read the Marpole Rule where trash and garbage cannot be discharged at sea; "that ports must have adequate convenient garbage reception facilities...especially for transients"; and "if mariners are expected to return plastics and other refuse to port, there must be convenient dockside refuse disposal available to them". It does not specifically mention dumpsters. He checked with DPW and was informed that 'carry in-carry out' is used at Seal Point and Fort Foster. He felt this could be applied at all facilities. Recycle bins could be set up at Traip, Government Street and Frisbee Wharf and do away with the dumpsters. The DPW is strongly in favor of recycling and could place and maintain the needed bins and to eliminate the dumpsters currently used for household trash. Mr. Melanson noted the waste management budget has already been expended for this year. Peter Walsh stated he will take this up with Mary Ann Conroy. He noted there used to be a trash barrel that was emptied into the existing school dumpsters at Traip Academy. Milton Hall asked why there was still a dumpster at Kittery Point. Mike Blake explained it does not have to be there and contacted Waste Management to take it away, but they told him it doesn't cost anything to keep it there if not being used. Mr. Smith noted that Frisbee Pier is the Authority's responsibility, but the wharf is not. If the Town wants a dumpster at the wharf, it should be their responsibility to maintain it. Mr. Melanson noted there are other issues that could be considered a shared responsibility between the Town and the Authority. Ms. Philbrook noted the dumpster issue at Pepperrell Cove is controlled because people know there is camera surveillance. However, people will abuse the recycling bins as they have abused the dumpsters.

BIG Project Grant:

Mr. Melanson referenced the BIG preliminary design presented at the KPA/Council workshop of November 26, 2012 for discussion. This grant would fund 70% of the project. He noted the existing utility infrastructure would be brought through the parking lot to the pier, railings installed and structural improvements made. Mr. Blake explained the preliminary plan could be implemented in stages depending upon the observed needs of the boating community. The idea is the Pepperrell Pier would be primarily for visitors and pedestrians as there will be no vehicular traffic allowed. Peter Walsh stated the proposed pump out would pump effluent to the existing 2,000 and an additional 500 gallon holding tank. Mr. Melanson noted the proposed transient pony docks and moorings would require maintenance and coordination by the Authority. Discussion followed regarding number of dinghies, their location and possible taxi service. Mr. Smith noted the only way to reduce the number of dinghies is to increase the price to leave a dinghy at the dock, promoting shared dinghies or a launch service. Ms. Philbrook stated she thought the decision in November was that the Authority had planned to continue with improvements without the use of grant monies. Mr. Smith stated the Town owned piers should be paid for and maintained by the Town, not by the Port Authority. The MOU of 11/26/11 states the Town owns the Pier and the Town and the Authority entered into an agreement.

Dan Arbo joined the meeting at 6:35 p.m.

Mr. Smith noted the Council voted to allocate \$900,000 to maintain the Community Center as it is owned by the Town, whether or not it is used by all tax payers. The same should apply to the Town owned piers, as they are not used by all tax payers. Discussion followed regarding funding and matching funds for the project. Members discussed the utility issue, and whether there will be available utilities in the upcoming season. Mr. Walsh stated they would be applying to the DEP for a pump out grant that will reduce the cost from the \$90,000 allocated. Discussion followed regarding charging for pump out. Mr. Melanson asked Mr. Blake to provide his preliminary figures for fees at the next meeting. Mr. Grenier suggested listing services and fees in directories of ports, used by transient boaters, and will follow-up with this for Authority members.

The workshop ended at 7:04 p.m.

3. Minutes

Mr. Smith moved to accept the minutes of December 6, 2012 as corrected

Mr. Bush seconded

Motion carries unanimously by all members present

4. Budget Report

YTD

Budget is on track, at 48% expended to date. The capital project / special revenues shows a deficit of \$403,000 identified as pier construction. Mr. Melanson noted his letter to the Council of November 26, 2012 requesting funds from boat excess tax revenues be used to pay down the pier MOU, was not forwarded to the Council until January 3, 2013. The pay down is scheduled over the next five years.

Operating Income/Expense

Mr. Blake noted there have not been any large expenses not represented.

5. Harbor Master Segment - Harbor Master Report

- Harbormaster boat has been winterized and stored;
- Mooring renewals have been sent by email, with approximately 10% by regular mail. One person dropped out, but overall new fees ar

- Damage to suspension system at fisherman's pier gangway. An insurance claim has been filed, and Riverside Pickering will remove as soon as possible. Discussion followed regarding condition of pilings, ramp and float. Mr. Smith suggested the claim be followed up to assure it is handled in a timely manner.

6. Marinas Piers and Floats – No agenda items.

7. Public Segment

Milton Hall:

- Asked what the water bill was for the prior year. Mr. Melanson stated the remaining balance is \$237.30, with expenses of \$62.70 for the year. Mr. Hall wondered why the sewer costs were high with the water rates low. Mr. Blake stated a leak in the tank was found and sealed, and believes water could have been entering into the system from the parking area through the hatch. Mr. Hall believes the water charges are too low. Mr. Blake explained this is a quarterly charge from August, 2012 and there should be another charge forthcoming.
- Asked about the election of Chairman. Is it legal for a Planning Board member to be chairman of the Authority? Mr. Melanson stated the Town Attorney was consulted and he did not believe there was an issue. Mr. Hall stated this should have been shared with the Board.
- Future meetings held at 6:00 p.m. should be noticed in writing. He checked the Town calendar and it still shows KPA meetings beginning at 7:00 p.m.
- Re: Harbor Usage Fees. If you have a mooring and three boats, do you pay fees for all three? Mr. Melanson explained he would pay for two, per foot. He asked if the Portsmouth tugs are charged. Discussion followed regarding the back channel, shipping channels, federal waters, harbor usage charges for commercial vessels, and the Port Authority's role applying those fees.

Tom Allen:

- Regarding the KPA taking any further financial obligations based on transient boating, he recommended a third-party determination be made on revenue projections from transient boating.

8. Projects

- Big Project – Discussed in workshop.
- Dredge Project – This project is moving along slowly, and Duncan Mellor will be working with the Town on this project. Mr. Walsh stated some of the dredge sand could be used at Fort Foster, according to a state geologist.

9. Correspondence & Comments to / from the Chair

- Hoist. Mr. Smith explained the engineers have responded to Duncan Mellor's requests, and are awaiting his sign-off of the plans. Mr. Melanson recommended this be completed prior to the start of the new Town Manager. Mr. Smith will work with them to get this resolved.
- Memo of 11-26-12 to the Town Council – Requesting use of excise taxes for MOU pay down.
- Rules and Regs Summary – Feedback has been generally positive.

10. Board Members - New and Old Business

Dan Arbo – supports caution regarding over-extending the KPA with new projects, and work within the budget.

Ray Grenier – agrees that dinghy rates should be raised, and a launch service begun as soon as possible.

Mike Blake – suggested a planning workshop to discuss a three year plan, extending to a five year sustainable plan. He believes much of the push on this project is coming from the DPW, and the Authority did agree to proceed with some of this incrementally. The BIG project plan before them now is the compromise utilizing federal funds. He would rather see the mooring rate increased and

provide a service, while adding personnel support to tend to this and other issues such as the sewer system, dock lines, trash and parking issues, etc. The dinghy system is out of control, and the infrastructure needs replacement. Discussion followed regarding dinghy use, fees and a launch service.

11. Adjourn

Mr. Bush moved to adjourn

Mr. Smith seconded

Motion carries unanimously by all members present

KPA meeting of January 3, 2013 adjourned at 8:02 p.m.

Submitted by Jan Fisk, January 22, 2013

Attachment

RIVERSIDE & PICKERING
MARINE CONTRACTORS

November 1st, 2012

Kittery Port Authority
Town of Kittery Planning Dept.
York County Registry of Deeds

RE: Letter of no objection, abutter to Jones Family Trust, 12 Chauncey Creek
Road, Kittery, ME 03905

To Whom It May Concern,

I have received and reviewed a copy of the plans depicting the proposed docking structure on the property of Jones Family Trust (Kittery Tax Map 44, Lot 69). A portion of the proposed project lies within the 25-foot setback of the riparian and property lines depicted on the plans by Riverside & Pickering Marine Contractors titled "Jones Family Trust, Pier Expansion Project" and dated 10/17/12. I consent to the plans for the proposed docking structure, which is to be closer than the 25-foot setback as specified in the Kittery Port Authority's Rules and Regulations, section IV.G.4. I have no objection to this project being constructed as depicted in said plans provided by Riverside & Pickering Marine Contractors.

Date: 11/25/2012

John Waldron
John Waldron, Jr.
(Kittery Tax Map 44, Lot 68)

STATE OF MAINE
COUNTY OF YORK, ss

Before me personally appeared John Waldron, owner of the abutting property, Kittery Tax Map 44, Lot 68, to me known and known by me to be the parties executing the foregoing instrument, and they acknowledge said instrument, by them executed, to be their free act and deed.

Susan F. Waldron
Notary Public
My commission expires:

Susan F. Waldron
Notary Public, Maine
Commission Expires March 15, 2013